

REMARKS

I. Summary of the Office Action

Claims 1-34 are pending in this application.

The Examiner rejected claims 1-34 under 35 U.S.C. § 103(a) over Mindes et al. U.S. Patent No. 5,842,921 (hereinafter "Mindes") in view of Van Horn et al. U.S. Patent No. 6,631,356 (hereinafter "Van Horn").

II. Summary of Applicants' Reply

Claims 1, 2, 4-8, 18, 19, and 21-25 have been amended to more particularly define the invention.

Claims 3 and 20 have been canceled without prejudice because subject matter similar to that of these claims have been incorporated into independent claims 1 and 18, respectively.

The rejections are respectfully traversed.

III. Applicants' Reply to the Rejections

Amended independent claims 1 and 18 are directed to a method and system for wagering on a future race using an interactive wagering system. A user is provided with an ability to place a wager in a first parimutuel wagering pool for the future race and is provided with an ability to select a wager type for the wager from a plurality of wager types. A second parimutuel wagering pool is provided for the future race using the interactive wagering system. The second parimutuel wagering pool is separate from the first parimutuel wagering pool whereby odds of the first parimutuel wager pool are calculated using only wagers placed in the first parimutuel wagering pool and odds of the second parimutuel wagering pool are calculated using

only wagers placed in the second parimutuel wagering pool. The first and the second parimutuel wagering pools accept wagers of the same selected type and the second parimutuel wagering pool closes after the first parimutuel wagering pool closes.

Mindes refers to a system for balancing betting pools. This is accomplished by controlling the terms such as betting odds and/or handicaps for the contestants such that bettors are encouraged to place bets that will bring the betting pools into balance. See, e.g., column 4, lines 7-17.

Van Horn refers to an "on-line buying co-op that is formed for the specific purpose of purchasing a particular product by defining a start time, end time, critical mass, any minimum number of units offered, any maximum number of units offered, starting price and product cost curve" (Abstract). Van Horn has absolutely nothing to do with wagering on future races.

Neither Mindes nor Van Horn shows or suggests selecting a wager type for the wager from a plurality of wager types and providing two separate parimutuel wagering pools where odds of the first parimutuel wagering pool are calculated using only wagers placed in the first parimutuel wagering pool and odds of the second parimutuel wagering pool are calculated using only wagers placed in the second parimutuel wagering pool, and where the first and second parimutuel wagering pools accept wagers of the same selected wager type and the second parimutuel wagering pool closes after the first parimutuel wagering pool closes, as specified in independent claims 1 and 18.

Accordingly, for at least the foregoing reason, independent claims 1 and 18 are allowable over the prior art of record. Dependent claims 2, 4-17, 19, and 21-34

are allowable for at least the reason independent claims 1 and 18 are allowable.

VI. Conclusion

For the reasons set forth above, applicants respectfully submit that all claims of the above-identified patent application are allowable, and that this application is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,


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